



Education Appropriations Subcommittee

Meeting Packet

**February 18, 2014
9:00 a.m. – 11:00 a.m.
Morris Hall**



The Florida House of Representatives
APPROPRIATION COMMITTEE

Education Appropriations Subcommittee

Will Weatherford
Speaker

Erik Fresen
Chair

MEETING AGENDA



Morris Hall

February 18, 2014

- I.** Meeting Called To Order
- II.** Opening Remarks by Chair
- III.** Consideration of the following proposed committee bill:
PCB EDAS 14-01 - Welfare Transition Trust Fund
- IV.** Consideration of the following bills:
CS/HB 195 - Education Data Privacy by Choice & Innovation Subcommittee and
Rep. Raburn
CS/HB 313 - Single-Gender Public School Programs by Choice & Innovation
Subcommittee and Rep. Diaz, Jr.
- V.** Presentations/Updates On:
College Performance Funding
University Performance Funding
Workforce Funding Methodology and Technology Funding Needs
Stanley G. Tate Florida Prepaid College Program
- VI.** Closing Remarks
- VII.** Meeting Adjourned

HOUSE OF REPRESENTATIVES TRUST FUND RE-CREATION STAFF ANALYSIS

BILL #: PCB EDAS 14-01 Welfare Transition Trust Fund
SPONSOR(S): Education Appropriations Subcommittee
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: Education Appropriations Subcommittee		Seifert 	Heflin 

I. SUMMARY

Section 19(f), Article III of the State Constitution requires that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This provision requires that trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of created or recreating that trust fund. The Welfare Transition Trust Fund was created in the Department of Education effective July 1, 2011, and is scheduled to terminate on July 1, 2015.

The Legislature re-creates the Welfare Transition Trust Fund effective July 1, 2014, provided that it is enacted by three-fifths of the membership of both houses of the Legislature.

This bill has no fiscal impact.

II. SUBSTANTIVE ANALYSIS

A. PRESENT SITUATION:

1. MAJOR STATUTES THAT CONTROL THE TRUST FUND:

Section 19(f), Article III of the State Constitution requires that all newly created trust funds terminate not more than four years after the initial creation unless re-created. This provision requires that trust fund be created or re-created by a three-fifths vote of the membership in each house of the Legislature in a separate bill for the sole purpose of created or recreating that trust fund. The Welfare Transition Trust Fund was created in the Department of Education effective July 1, 2011, by chapter 2011-157, Laws of Florida, in section 1001.283, Florida Statutes and is scheduled to terminate on July 1, 2015.

2. BRIEF DESCRIPTION OF THE FUND'S USES OR PURPOSES:

This trust fund is used exclusively to provide services to individuals eligible for Temporary Assistance for Needy Families pursuant to the requirements and limitation of part A of Title IV of the Social Security Act, as amended, or any other applicable federal requirement or limitation.

3. MAJOR SOURCES OF REVENUE FOR THE FUND:

Moneys in the trust fund consist of those funds collected from the Temporary Assistance for Needy Families Block Grant.

4. TOTAL PROJECTED RECEIPTS INTO THE FUND AND CURRENT YEAR APPROPRIATIONS FROM THE FUND:

The total projected receipts into this fund for the current year are \$98,277,590 and current year appropriations from the fund are \$98,277,590.

B. EFFECT OF PROPOSED CHANGES:

The bill re-creates the trust fund without modification and repeals the scheduled termination of the trust fund.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

This legislation has no fiscal impact on state agencies or state funds, on local governments as a whole or on the private sector. It simply re-creates, without modification, an existing state trust fund and continues the current use of the fund.

IV. COMMENTS

V. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

1 A bill to be entitled
 2 An act relating to trust funds; re-creating the
 3 Welfare Transition Trust Fund within the Department of
 4 Education without modification; amending s. 1001.283,
 5 F.S.; abrogating provisions relating to the
 6 termination of the trust fund, to conform; providing a
 7 contingent effective date.

8
 9 WHEREAS, the Legislature wishes to extend the life of the
 10 Welfare Transition Trust Fund within the Department of
 11 Education, which is otherwise scheduled to be terminated
 12 pursuant to constitutional mandate, and

13 WHEREAS, the Legislature has reviewed the trust fund before
 14 its scheduled termination date and has found that it continues
 15 to meet an important public purpose, and

16 WHEREAS, the Legislature has found that existing public
 17 policy concerning the trust fund sets adequate parameters for
 18 its use, NOW, THEREFORE,

19
 20 Be It Enacted by the Legislature of the State of Florida:

21
 22 Section 1. The Welfare Transition Trust Fund within the
 23 Department of Education, FLAIR number 48-2-401, which is to be
 24 terminated pursuant to Section 19(f)(2), Article III of the
 25 State Constitution on July 1, 2015, is re-created.

26 Section 2. Subsection (3) of section 1001.283, Florida

PCB EDAS 14-01

ORIGINAL

2014

27 Statutes, is amended to read:



28 1001.283 Welfare Transition Trust Fund.—

29 ~~(3) In accordance with s. 19(f)(2), Art. III of the State~~
30 ~~Constitution, the Welfare Transition Trust Fund shall, unless~~
31 ~~terminated sooner, be terminated on July 1, 2015. Before its~~
32 ~~scheduled termination, the trust fund shall be reviewed as~~
33 ~~provided in s. 215.3206(1) and (2).~~

34 Section 3. This act shall take effect July 1, 2014, but it
35 shall not take effect unless it is enacted by a three-fifths
36 vote of the membership of each house of the Legislature.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 195 Education Data Privacy
SPONSOR(S): Choice & Innovation Subcommittee, Raburn and others
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N, As CS	Rininger	Fudge
2) Education Appropriations Subcommittee		Seifert 	Heflin 
3) Education Committee			

SUMMARY ANALYSIS

Currently, student education records are protected by the Family Educational Rights and Privacy Act (FERPA) and state law. However, neither FERPA nor state law specifies which information may or may not be collected.

State law also requires each district school board to request the social security number (SSN) of each enrolled student; however, a student may choose to withhold his or her SSN and school boards are prohibited from requiring students to furnish a SSN as a condition of enrollment or graduation. The student's SSN must be used as his or her student identification number in the school district's management information system and in the student's permanent records.

At the direction of the Governor, the Commissioner of Education conducted a review of the state's student data privacy and security measures. The commissioner recommended several changes to state law regarding education records privacy. This bill codifies the commissioner's recommendations by:

- Clarifying that parents must be notified annually regarding their rights with respect to education records.
- Clarifying that a parent may be awarded attorney's fees and court costs if the parent is granted injunctive relief in an action to enforce his or her rights regarding education records.
- Prohibiting any agency or institution from collecting information regarding political affiliation, voting history, religious affiliation, or biometric information of a student or student's parent or sibling.
- Prohibiting the disclosure of confidential and exempt education records to any person, public body, body politic, or political subdivision unless disclosure is authorized by FERPA or in response to a subpoena or court order. Disclosure to federal government agencies is also prohibited, unless authorized by FERPA, required by federal law, or in response to a subpoena or court order.
- Requiring that governing boards of agencies or institutions may only designate directory information in accordance with FERPA at a regularly scheduled meeting at which time the board must consider any potential risks to student privacy from such designation.

In addition, the bill requires the Florida Department of Education to create a statewide process for assigning students identification numbers that are not SSNs, thereby phasing out the use of SSNs for that purpose.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect upon becoming a law.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Education Records Privacy

Present Situation

Federal Law

The Family Educational Rights and Privacy Act¹ (FERPA) is a federal law that grants parents the right to inspect, review, and challenge the content of their child's education records and, subject to certain exceptions, control the disclosure of education records or personally identifiable information² contained in the records.³ When a student turns 18 years of age, or enters a postsecondary institution at any age, the rights under FERPA transfer from the parents to the student (eligible student).⁴

Educational agencies and institutions⁵ must comply with FERPA as a condition to receiving federal education funds.⁶ An educational agency or institution that receives federal education funds must annually notify parents and eligible students of their rights under FERPA.⁷

Among other things, FERPA requires educational agencies and institutions to obtain written consent from a parent or eligible student before disclosing education records or personally identifiable information contained therein.⁸ The written consent must be signed and dated and must specify the records that may be disclosed; state the purpose of the disclosure; and identify the party or class of parties to whom the disclosure may be made.⁹

There are several exceptions to the "prior consent" requirement which authorize disclosure of education records or personally identifiable information. Generally, these exceptions address specific situations in which disclosure without consent is necessary for the efficient operation of the school or school district; to comply with court orders and federal audit and grant reporting requests; and to protect the health, safety, and welfare of students. These exceptions include disclosure:

- To the parent of a student who is not an eligible student or to an eligible student if he or she is not claimed as a dependent on his or her parent's income taxes.¹⁰

¹ 20 U.S.C. s. 1232g and 34 C.F.R. part 99.

² FERPA defines "personally identifiable information" to include, without limitation, the names of the student and his or her parents or other family members; the address of the student or student's family; the student's social security number, student number, biometric record, or other personal identifier; indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name; and other information that could reasonably identify a student. 34 C.F.R. s. 99.3 (definition of "personally identifiable information").

³ 20 U.S.C. s. 1232g(a) and (b); 34 C.F.R. part 99. In cases of divorced, separated, or never-married parents, each parent is presumed to have rights under FERPA unless a state statute, court order, or other legally binding document provides to the contrary. 34 C.F.R. s. 99.4.

⁴ 20 U.S.C. s. 1232g(d); 34 C.F.R. ss. 99.3 (definition of "eligible student") and 99.5(a).

⁵ FERPA defines "educational agency or institution" to mean any public or private agency or institution that receives federal education funding. 20 U.S.C. s. 1232g(a)(3). This includes educational institutions that provide instruction or educational services and educational agencies that are authorized to control and direct postsecondary institutions or public elementary or secondary schools, i.e., state and local educational agencies. 34 C.F.R. s. 99.1.

⁶ 20 U.S.C. s. 1232g(a) and (b); 34 C.F.R. s. 99.1.

⁷ 20 U.S.C. s. 1232g(e); 34 C.F.R. s. 99.7(a).

⁸ 20 U.S.C. s. 1232g(b)(1); 34 C.F.R. ss. 99.30-99.39. Florida's policy for the disclosure of education records is similar to the relevant FERPA provisions. See rule 6A-1.0955(6)(f) and (g), F.A.C.

⁹ 34 C.F.R. s. 99.30.

¹⁰ 20 U.S.C. s. 1232g(b)(1)(H); 34 C.F.R. s. 99.31(a)(8) and (12); see 26 U.S.C. s. 152 (Internal Revenue Code definition of dependent child).

- To other school officials, including teachers, within the agency or institution.¹¹
- To officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled so long as the disclosure is related to the student's enrollment or transfer.¹²
- To authorized representatives of the U.S. Comptroller General, U.S. Attorney General, U.S. Secretary of Education, or state and local educational authorities for purposes related to audits, evaluations, or enforcement of federal legal requirements.¹³
- In connection with an application for student financial aid to determine eligibility, amount, and terms and conditions for such aid.¹⁴
- Authorized by a state statute concerning the juvenile justice system to enable specified state and local officials to effectively serve a juvenile prior to adjudication.¹⁵
- To organizations conducting studies for, or on behalf of, educational agencies or institutions to develop, validate, or administer predictive tests; administer student aid programs; or improve instruction.¹⁶
- To accrediting organizations to carry out their accrediting functions.¹⁷
- To comply with a judicial order or lawfully issued subpoena.¹⁸
- In connection with a health or safety emergency and disclosure is necessary to protect the health or safety of the student or others.¹⁹
- Of directory information.²⁰
- To the victim of an alleged perpetrator of a violent crime or non-forcible sex offense²¹ which is limited to the final results of a disciplinary proceeding conducted on the matter by a postsecondary institution, regardless of outcome.²²
- In connection with a disciplinary proceeding conducted by a postsecondary institution regarding an alleged crime of violence or non-forcible sex offense perpetrated by a student in which the student is determined to have violated the institution's rules or policies.²³
- To a parent of a student at a postsecondary institution regarding the student's violation of any Federal, State, or local law or institutional rule or policy governing the use or possession of

¹¹ 20 U.S.C. s. 1232g(b)(1)(A); 34 C.F.R. s. 99.31(a)(1). Disclosure to outside contractors, consultants, and others is permitted if they perform a function typically served by employees; are directly controlled by the educational agency or institution; are permitted access only to records in which they have a legitimate educational interest; and are required to comply with FERPA requirements for redisclosure of education records. *Id.*

¹² 20 U.S.C. s. 1232g(b)(1)(B); 34 C.F.R. s. 99.31(a)(2).

¹³ 20 U.S.C. s. 1232g(b)(1)(C) and (3); 34 C.F.R. s. 99.31(a)(3). Authority to conduct an audit, evaluation, or enforcement action must be established under other federal, state, or local authority and controls must be in place to prevent disclosure to unauthorized persons. 34 C.F.R. s. 99.35(a)(2) and (b).

¹⁴ 20 U.S.C. s. 1232g(b)(1)(D); 34 C.F.R. s. 99.31(a)(4).

¹⁵ 20 U.S.C. s. 1232g(b)(1)(E); 34 C.F.R. ss. 99.31(a)(5) and 99.38.

¹⁶ 20 U.S.C. s. 1232g(b)(1)(F); 34 C.F.R. s. 99.31(a)(6)(i). Disclosure is only permitted if the educational agency or institution and organization conducting the study enter into a written agreement which specifies the purpose, scope and duration of the study; prohibits personal identification of parents and students to third parties; and requires the destruction of personally identifiable information of parents and students upon completion of the study. 34 C.F.R. s. 99.31(a)(6)(iii).

¹⁷ 20 U.S.C. s. 1232g(b)(1)(G); 34 C.F.R. s. 99.31(a)(7).

¹⁸ 20 U.S.C. s. 1232g(b)(1)(J); 34 C.F.R. s. 99.31(a)(9). The educational agency or institution must make a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action. Notification is not required if the disclosure is in compliance with an ex parte court order obtained by the United States Attorney concerning investigations or prosecutions of terrorism or with a federal grand jury or other law enforcement subpoena in which the court or issuing agency has ordered that information in the subpoena not be disclosed. *Id.*

¹⁹ 20 U.S.C. s. 1232g(b)(1)(I); 34 C.F.R. ss. 99.31(a)(10) and 99.36(a).

²⁰ 20 U.S.C. s. 1232g(a)(5); 34 C.F.R. s. 99.31(a)(11).

²¹ For purposes of FERPA, an "alleged perpetrator" means another student at the postsecondary institution. Crimes of violence include arson, assault, burglary, criminal homicide, destruction of property, vandalism, kidnapping, robbery, and forcible sex offenses. Non-forcible sex offenses include acts committed by a student which constitute statutory rape or incest. 34 C.F.R. s. 99.39.

²² 20 U.S.C. s. 1232g(b)(6)(A); 34 C.F.R. s. 99.31(a)(13).

²³ 20 U.S.C. s. 1232g(b)(6)(B); 34 C.F.R. s. 99.31(a)(14). The institution may not disclose the name of any other student, including a victim or witness, without the prior written consent of the other student. This provision pertains only to disciplinary proceedings concluded on or after Oct. 7, 1998. *Id.*

alcohol or controlled substances if the student is under 21 years of age and the institution determines that the student committed the violation.²⁴

- Regarding sex offenders and other individuals who are required to register with law enforcement under federal law.²⁵

In addition, an educational agency or institution or recipient of education records may release education records without prior consent if all personally identifiable information is removed from the records and the agency, institution, or party reasonably determines that the student's identity cannot be ascertained from the records.²⁶

One of the most frequently used exceptions concerns "directory information." FERPA defines directory information as "the student's name, address, telephone listing, date and place of birth, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, degrees and awards received, and the most recent previous educational agency or institution attended by the student."²⁷ An educational agency or institution must give public notice regarding the types of personally identifiable information that the agency or institution has designated as directory information and allow a reasonable opportunity for parents or eligible students to object to such release.²⁸

State Law

Florida law regarding education records privacy establishes a public records exemption for records held by Florida educational agencies and institutions²⁹ and requires that such records be protected in accordance with FERPA. In order to maintain the eligibility of public educational institutions and agencies for federal funding, the law directs the State Board of Education to comply with FERPA after evaluating and determining that FERPA is consistent with the following principles:

- Students and their parents shall have the right to access their education records, including the right to inspect and review those records.
- Students and their parents shall have the right to waive their access to their education records in certain circumstances.
- Students and their parents shall have the right to challenge the content of education records in order to ensure that the records are not inaccurate, misleading, or otherwise a violation of privacy or other rights.
- Students and their parents shall have the right of privacy with respect to such records and reports.
- Students and their parents shall receive notice of their rights with respect to education records.³⁰

The state board must also monitor changes to FERPA and advise the Legislature of any changes necessitating amendments to state law.³¹

²⁴ 20 U.S.C. s. 1232g(i); 34 C.F.R. s. 99.31(a)(15).

²⁵ 20 U.S.C. s. 1232g(b)(7)(A); 34 C.F.R. s. 99.31(a)(16); *see e.g.* 42 U.S.C. s. 14071 (federal requirements for sexual offender registration).

²⁶ 34 C.F.R. s. 99.31(b)(1).

²⁷ 34 C.F.R. s. 99.3 (definition of "directory information").

²⁸ 20 U.S.C. s. 1232g(a)(5), 34 CFR 99.37. *See e.g.* U.S. Department of Education, *Model Notice for Directory Information*, <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/mndirectoryinfo.html> (last visited Jan. 25, 2014).

²⁹ Florida's education records privacy law defines "agency" to mean any board, agency, or other entity that provides administrative control or direction of or performs services for public elementary or secondary schools, centers, or other institutions. Section 1002.22(1)(a), F.S. "Institution" means any public elementary, middle or high school; center; or institution; and the Florida School for the Deaf and the Blind and Florida Virtual School. Section 1002.22(2)(b), F.S.

³⁰ Section 1002.22(2), F.S.

³¹ Section 1002.22 (3), F.S.

State law allows a student or parent who has his or her rights under FERPA vindicated in court to collect attorney fees and court costs, but does not specify what constitutes such a "vindication of rights." The law is silent regarding the collection of information regarding political affiliation, voting history, religious affiliation, and biometric information. Release of directory information must be consistent with FERPA.³²

Commissioner Review and Legislative Recommendations

On September 23, 2013, after receiving feedback from stakeholders during the Governor's Education Summit, the Governor issued an Executive Order which, among other things, directed the Commissioner of Education to make improvements to state policies regarding student data privacy and security. The order directed the commissioner to:

- Conduct a student data security review;
- Issue policies, including internal protocols and operating procedures, for the Florida Department of Education (DOE), school districts, and any assessment provider or other entity with access to student data, in order to protect student information and prevent its misuse;
- Ensure that protections are in place to prevent the release of student education records without the written consent of the student or parent, except as specifically provided by Florida law; and
- Make recommendations by December 31, 2013, for rule changes or legislation needed to protect student privacy.³³

Accordingly, DOE reviewed its compliance with state and federal education records privacy laws and its internal protocols and procedures governing information security. DOE also commissioned SecureWorks to conduct an independent assessment of DOE's information security protocols and procedures. The Auditor General is independently auditing DOE's compliance with state laws and rules related to information security.³⁴ Among other things, DOE's report on these activities indicates that:

- Individual, personally identifiable student information collected and maintained by the department may only be accessed by authorized individuals as prescribed by FERPA.
- Access to the student databases themselves is restricted to properly authorized individuals or school districts by user ID and password.
- Data security requirements are incorporated into the procurement process for information technology services to ensure that contracts and agreements require outside contractors to protect the privacy of student information.³⁵
- Based upon the results of SecureWorks' assessment, DOE will consider, among other things, establishing an information systems steering committee to develop and oversee its information security policies and take measures to review and modify various information security policies, as needed.³⁶

DOE's report includes data security recommendations for both the department and school districts. The Auditor General's audit has not been completed; however, DOE indicates its willingness to consider any improvements suggested by the auditors.³⁷

In addition, the commissioner recommended several changes to state law regarding education records privacy, including:

³² See s. 1002.22, F.S.

³³ Fla. Exec. Order No. 13-276 (Sept. 23, 2013).

³⁴ Florida Department of Education, *Student Data Privacy Recommendations*, at 5-9 (Dec. 2013).

³⁵ *Id.* at 5.

³⁶ *Id.* at 11-13.

³⁷ *Id.* at 9.

- Clarifying that students and parents must be notified annually regarding their rights with respect to education records.
- Clarifying that a parent or student may be awarded attorney fees and court costs if the parent or student is granted injunctive relief in an action to enforce his or her rights regarding education records.
- Prohibiting any educational agency or institution from collecting, obtaining, or retaining information on the political affiliation, voting history, religious affiliation, or biometric information of a student or student's parent or sibling.
- Prohibiting the disclosure of confidential and exempt education records to any person, public body, body politic, political subdivision, or any agency of the federal government, except when authorized or required by law or in response to a subpoena or court order.
- Requiring that governing boards of agencies or institutions may only designate directory information in accordance with FERPA at a regularly scheduled meeting after considering whether such disclosure risks violating student privacy.³⁸

Effect of Proposed Changes

The bill codifies the commissioner's legislative recommendations regarding student data privacy and security to clarify and strengthen several aspects of state law. By specifying that students and parents must be notified annually about their rights regarding education records, the bill aligns state law with FERPA's annual notice requirement. Provisions specifying that attorney's fees and court costs may be awarded to a student or parent who receives "injunctive relief" more clearly indicate what constitutes a vindication of rights meriting such an award.

The bill prohibits any educational agency or institution from collecting, obtaining, or retaining information on the political affiliation, voting history, religious affiliation, or biometric information of a student, a student's parent, or a student's sibling. The bill defines biometric information as information collected from the electronic measurement or evaluation of any physical or behavioral characteristics that may be personally identifiable, including characteristics of fingerprints, hands, eyes, and the voice. The bill would, therefore, not allow agencies or institutions to use fingerprint scans, hand scans, retina or iris scans, face geometry scans, or voice prints. These provisions provide specific protection from the collection of sensitive information that has little, if any, bearing on a student's education.

The bill also prohibits disclosure of confidential and exempt education records to any person, public body, body politic, or political subdivision unless disclosure is authorized by FERPA or in response to a subpoena or court order. Disclosure to federal government agencies is also prohibited, unless authorized by FERPA, required by federal law, or in response to a subpoena or court order. These provisions provide clear guidance as to whom and when information may be disclosed.

Under FERPA, directory information is one of several exceptions to the "prior consent" requirement for disclosing education records or personally identifiable information. The bill provides additional protections regarding the disclosure of directory information by requiring the governing board of an educational agency or institution, when designating student information as directory information, to do so at a regularly scheduled public meeting. The governing board must consider whether designating the information as directory information will put students at risk of being targeted by marketing campaigns, the media, or criminals.

Student Identification Numbers

Present Situation

Florida law requires each district school board to request the social security number (SSN) of each student; however, a student may choose to withhold his or her SSN and school boards may not require

³⁸ *Id.*

students to provide a SSN as a condition of enrollment or graduation. Each school district must use the student's SSN as his or her student identification number in its management information system and in the student's permanent records. The school district must also indicate when the student identification number is not the student's SSN.³⁹

Florida law states the Legislature's acknowledgment that SSNs were originally intended to be used only in the administration of the federal Social Security System. Recognizing this intent, the law expresses the Legislature's intent to maintain a balanced public policy by monitoring agency use and limiting the collection of SSNs, unless the:

- Purpose of the collection is stated in writing; and
- Collection is specifically authorized by law or is imperative for the performance of the agency's duties and responsibilities as prescribed by law.⁴⁰

A 2010 report by the Office of the Inspector General of the United States questioned widespread use of SSNs as primary student identification numbers, given the increasing threat of identity theft.

Furthermore, the report determined that unnecessary or redundant collection of SSNs is a significant vulnerability to student privacy. The report recommended that states and K-12 schools nationwide take measures to limit the use of SSNs as primary student identifiers.⁴¹

DOE has also recognized that using the SSN as a student identifier increases opportunities for a student's information to be misused or stolen. Consequently, DOE is implementing changes to statewide data collection practices which will deemphasize the use of SSNs as student identifiers. School districts will continue to collect each student's SSN for enrollment purposes and for initial entry into the state data system; however, once entered into the system, each student will be assigned a primary identification number that is not the SSN. This unique number will then be used to identify the student for record keeping and data collection purposes, thereby decreasing the likelihood that a student's identity can be linked to his or her SSN.

Effect of Bill

The bill requires a school district to request a student's SSN *upon initial enrollment* in a Florida public school. It also requires DOE to create a statewide process for assigning student identification numbers that are not SSNs. Once the process is implemented, school districts will be prohibited from using SSNs in their management information systems. These changes decrease the likelihood of duplicative requests for student SSNs, thereby increasing the security and confidentiality of student SSNs.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.22, F.S., relating to Education records and reports of K-12 students.

Section 2. Creates s. 1002.222, F.S., relating to K-12 education records.

Section 3. Amends s. 1008.386, F.S., relating to Social security numbers used as student identification numbers.

Section 4. Amends s. 1011.622, F.S., relating to Adjustments for students without a common student identifier.

Section 5. Provides that the bill takes effect upon becoming law.

³⁹ Section 1008.386, F.S.

⁴⁰ Section 119.071(5)(a)1. and 2., F.S.

⁴¹ U.S. Office of the Inspector General, *Kindergarten Through 12th Grade Schools' Collection and Use of Social Security Numbers* Report No. A-08-10-11057, at 2, 4, and 6 (July 22, 2010), available at <http://oig.ssa.gov/sites/default/files/audit/full/pdf/A-08-10-11057.pdf>.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The bill requires school districts to annually notify parents and students about their rights regarding their school records. Districts currently provide annual notification to parents about a variety of issues and this requirement can be included using existing resources.

The bill requires the Department of Education to establish a process for assigning an unique student identification number to each student in the state. The department is currently establishing the process using a mixture of recurring state and federal funds thus this requirement can be completed using existing resources.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not Applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill gives DOE the authority to adopt rules to create a process for assigning a unique student identification number to each student in the state.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

On February 4, 2014, the Choice & Innovation Subcommittee adopted a proposed committee substitute (PCS) and reported HB 195 favorably as a committee substitute. The original bill was limited in scope to the collection of student biometric information. It required school districts that collect student biometric information to formulate policies governing the collection of such information and specified requirements regarding records confidentiality, maintenance, and security; conditions on disclosure; parental notice; and criminal penalties for unauthorized use.

Unlike the bill, the PCS codifies the Commissioner of Education's legislative recommendations regarding educational records privacy and data security. The PCS expands the application of the bill to include "agencies", i.e., any board, agency, or other entity that provides administrative control or direction of or performs services for public elementary or secondary schools, centers, or other institutions and "institutions", i.e., any public elementary, middle, or high school; center; or institution; and the Florida School for the Deaf and the Blind and Florida Virtual School. Rather than requiring school districts to formulate policies regarding collection of student biometric information, the PCS flatly prohibits agencies and institutions from collecting the biometric information, political affiliation, voting history, or religious affiliation of a student or student's parent or sibling. Additionally, the PCS:

- Clarifies that parents must be notified annually regarding their rights with respect to education records.
- Clarifies that a parent may be awarded attorney's fees and court costs if the parent is granted injunctive relief in an action to enforce his or her rights regarding education records.
- Prohibits the disclosure of confidential and exempt education records to any person, public body, body politic, or political subdivision unless disclosure is authorized by FERPA or in response to a subpoena or court order. Disclosure to federal government agencies is also prohibited, unless authorized by FERPA, required by federal law, or in response to a subpoena or court order.
- Requires that governing boards of agencies or institutions may only designate directory information in accordance with FERPA at a regularly scheduled meeting at which time the board must consider any potential risks to student privacy from such designation.
- Requires DOE to create a statewide process for assigning students identification numbers that are not SSNs, thereby phasing out the use of SSNs for that purpose.

This bill analysis is drafted to the committee substitute as passed by the Choice & Innovation Subcommittee.

A bill to be entitled

An act relating to education data privacy; amending s. 1002.22, F.S.; providing for annual notice to K-12 students and parents of rights relating to education records; revising provisions relating to remedy in circuit court with respect to education records and reports of students and parents; creating s. 1002.222, F.S.; providing limitations on the collection of information and the disclosure of confidential and exempt student records; defining the term "biometric information"; authorizing fees; amending s. 1008.386, F.S.; revising provisions relating to the submission of student social security numbers and the assignment of student identification numbers; requiring the Department of Education to establish a process for assigning student identification numbers; amending s. 1011.622, F.S.; conforming provisions; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Paragraph (e) of subsection (2) and subsection (4) of section 1002.22, Florida Statutes, are amended to read:

1002.22 Education records and reports of K-12 students; rights of parents and students; notification; penalty.—

(2) RIGHTS OF STUDENTS AND PARENTS.—The rights of students

27 | and their parents with respect to education records created,
 28 | maintained, or used by public educational institutions and
 29 | agencies shall be protected in accordance with the Family
 30 | Educational Rights and Privacy Act (FERPA), 20 U.S.C. s. 1232g,
 31 | the implementing regulations issued pursuant thereto, and this
 32 | section. In order to maintain the eligibility of public
 33 | educational institutions and agencies to receive federal funds
 34 | and participate in federal programs, the State Board of
 35 | Education shall comply with the FERPA after the board has
 36 | evaluated and determined that the FERPA is consistent with the
 37 | following principles:

38 | (e) Students and their parents shall receive annual notice
 39 | of their rights with respect to education records.

40 | (4) PENALTY.—If any official or employee of an institution
 41 | refuses to comply with this section, the aggrieved parent or
 42 | student has an immediate right to bring an action in circuit
 43 | court to enforce his or her rights by injunction. Any aggrieved
 44 | parent or student who receives injunctive relief ~~brings such~~
 45 | ~~action and whose rights are vindicated~~ may be awarded attorney
 46 | ~~attorney's~~ fees and court costs.

47 | Section 2. Section 1002.222, Florida Statutes, is created
 48 | to read:

49 | 1002.222 Limitations on collection of information and
 50 | disclosure of confidential and exempt student records.—

51 | (1) An agency or institution as defined in s. 1002.22(1)
 52 | may not:

53 | (a) Collect, obtain, or retain information on the
 54 | political affiliation, voting history, religious affiliation, or
 55 | biometric information of a student or a parent or sibling of the
 56 | student. For purposes of this subsection, the term "biometric
 57 | information" means information collected from the electronic
 58 | measurement or evaluation of any physical or behavioral
 59 | characteristics that are attributable to a single person,
 60 | including fingerprint characteristics, hand characteristics, eye
 61 | characteristics, vocal characteristics, and any other physical
 62 | characteristics used for the purpose of electronically
 63 | identifying that person with a high degree of certainty.
 64 | Examples of biometric information include, but are not limited
 65 | to, a fingerprint or hand scan, a retina or iris scan, a voice
 66 | print, or a facial geometry scan.

67 | (b) Provide education records made confidential and exempt
 68 | by s. 1002.221 or federal law to:

69 | 1. A person as defined in s. 1.01(3) except when
 70 | authorized by s. 1002.221 or in response to a lawfully issued
 71 | subpoena or court order;

72 | 2. A public body, body politic, or political subdivision
 73 | as defined in s. 1.01(8) except when authorized by s. 1002.221
 74 | or in response to a lawfully issued subpoena or court order; or

75 | 3. An agency of the Federal Government except when
 76 | authorized by s. 1002.221, required by federal law, or in
 77 | response to a lawfully issued subpoena or court order.

78 | (2) The governing board of an agency or institution may

79 only designate information as directory information in
 80 accordance with 20 U.S.C. s. 1232g and applicable federal
 81 regulations. Such designation must occur at a regularly
 82 scheduled meeting of the governing board. The governing board of
 83 an agency or institution must consider whether designation of
 84 such information would put students at risk of becoming targets
 85 of marketing campaigns, the media, or criminal acts. An agency
 86 or institution may charge fees for copies of designated
 87 directory information as provided in s. 119.07(4).

88 Section 3. Section 1008.386, Florida Statutes, is amended
 89 to read:

90 1008.386 Florida ~~Social security numbers used as student~~
 91 ~~identification numbers.-~~

92 (1) When a student enrolls in a public school in this
 93 state, the ~~Each~~ district school board shall request that the
 94 ~~each~~ student enrolled in a public school in this state provide
 95 his or her social security number and shall indicate whether the
 96 student identification number assigned to the student is a
 97 social security number. A student satisfies this requirement by
 98 presenting his or her social security card or a copy of the card
 99 to a school enrollment official. ~~Each school district shall use~~
 100 ~~social security numbers as student identification numbers in the~~
 101 ~~management information system maintained by the school district.~~
 102 However, a student is not required to provide his or her social
 103 security number as a condition for enrollment or graduation. A
 104 ~~student satisfies this requirement by presenting to school~~

105 ~~enrollment officials his or her social security card or a copy~~
 106 ~~of the card. The school district shall include the social~~
 107 ~~security number in the student's permanent records and shall~~
 108 ~~indicate if the student identification number is not a social~~
 109 ~~security number.~~ The Commissioner of Education shall assist
 110 ~~provide assistance to~~ school districts with ~~to assure that~~ the
 111 assignment of student identification numbers ~~other than social~~
 112 ~~security numbers is kept to a minimum and~~ to avoid duplication
 113 of any student identification number.

114 (2) The department shall establish a process for assigning
 115 a Florida student identification number to each student in the
 116 state, at which time a school district may not use social
 117 security numbers as student identification numbers in its
 118 management information systems.

119 (3) The State Board of Education may adopt rules to
 120 implement this section.

121 Section 4. Section 1011.622, Florida Statutes, is amended
 122 to read:

123 1011.622 Adjustments for students without a Florida ~~common~~
 124 student identification number identifier.—The Florida Education
 125 Finance Program funding calculations, including the calculations
 126 authorized in ss. 1011.62, 1011.67, 1011.68, and 1011.685, shall
 127 include funding for a student only when all of the student's
 128 records are reported to the Department of Education under a
 129 Florida ~~common~~ student identification number identifier. The
 130 State Board of Education may adopt rules pursuant to ss.

CS/HB 195

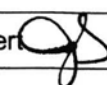

2014

131 | 120.536(1) and 120.54 to implement this section.

132 | Section 5. This act shall take effect upon becoming a law.

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: CS/HB 313 Single-Gender Public School Programs
SPONSOR(S): Choice & Innovation Subcommittee, Diaz, Jr. and others
TIED BILLS: IDEN./SIM. BILLS:

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Choice & Innovation Subcommittee	13 Y, 0 N, As CS	Rininger	Fudge
2) Education Appropriations Subcommittee		Seifer 	Heflin 
3) Education Committee			

SUMMARY ANALYSIS

The No Child Left Behind Act of 2001 (NCLB) states that federal funds may be provided to local educational agencies (LEA) for the purpose of implementing innovative assistance programs, which may include single-gender schools and classrooms. In May of 2002, the U.S. Department of Education (USDOE) announced its intent to adopt revised Title IX regulations to provide flexibility to LEAs seeking to establish single-gender schools and classrooms. The 2006 regulations establish separate standards for single-gender classes, including extracurricular activities, and schools.

Single-gender classrooms and schools are permitted under Florida law. The bill requires district school boards establishing single-gender schools to:

- Separate students into single-gender classes for instruction in core courses.
- Open enrollment to all students within the district.
- Require administrators and teachers to participate in professional development that includes scheduling and instructional strategies.
- Compare the academic performance of students in gender-specific schools with the academic performance of students in other public schools in the school district.

The bill does not have a fiscal impact on state or local governments.

The bill takes effect July 1, 2014.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Current Situation

Federal Law: The No Child Left Behind Act of 2001 (NCLB) states that federal funds may be provided to local educational agencies (LEA) for the purpose of implementing innovative assistance programs, which may include single-gender schools and classrooms.¹ At the time of NCLB's passage, these provisions were in conflict with regulations implementing Title IX of the Education Amendments of 1972 (Title IX).² Title IX prohibits gender-based discrimination by educational institutions that receive federal funding.³ Thus, in May of 2002, the U.S. Department of Education (USDOE) announced its intent to adopt revised Title IX regulations to provide flexibility to LEAs seeking to establish single-gender schools and classrooms.⁴ These regulations became effective in November of 2006.⁵

The 2006 regulations establish separate standards for single-gender classes, including extracurricular activities,⁶ and schools. In general, both single-gender classes and schools must be nonvocational⁷ in nature and may only serve elementary or secondary students.⁸ Additionally for single-gender classes, the regulations require that:

- The LEA's purpose in establishing a single-gender classroom be substantially related to achieving one of two important governmental objectives: (a) to improve student achievement as part of a policy of providing diverse learning opportunities; or (b) to meet the specific learning needs of students.
- The LEA implements single-gender classrooms in an evenhanded manner.
- Enrollment be voluntary.
- Single-gender classrooms be evaluated every two years. The LEA must demonstrate that it is adhering to the important governmental objectives for which its single-gender classrooms were established to serve. It must also demonstrate that its program continues to operate free from overly-broad gender stereotypes.⁹

A LEA choosing to offer a single-gender class: (a) must provide all other students, including members of the other gender, a coeducational option that is of substantially equal quality;¹⁰ and (b) may also be required to offer a substantially equal single-gender option to members of the other gender.¹¹ A LEA

¹ 20 U.S.C.A. § 7215(a)(23).

² See 34 C.F.R. 106.34(b)-(f) and 34 C.F.R. 106.35(both amended in 2006).

³ 20 U.S.C.A. § 1681. (Title IX also prohibits gender-based discrimination pertaining to participation in extracurricular activities).

⁴ Federal Register, Vol. 67, No. 89 (May 8, 2002) available at <http://www.ed.gov/legislation/FedRegister/proprule/2002-2/050802a.html>.

⁵ Federal Register, Vol. 71, No. 206 (October 24, 2006) available at <http://www.ed.gov/legislation/FedRegister/finrule/2006-4/102506a.pdf>.

⁶ The regulation does not define the terms "class" or "extracurricular activity," but it does specify that the terms do not include interscholastic, club, or intramural athletics. 34 C.F.R. 106.34(5).

⁷ The regulation does not define the term "nonvocational," but definitions for the regulation provide that an, "institution of vocational education" means, "a school or institution (except an institution of professional or graduate or undergraduate higher education) which has as its primary purpose preparation of students to pursue a technical, skilled, or semiskilled occupation or trade, or to pursue study in a technical field, whether or not the school or institution offers certificates, diplomas, or degrees and whether or not it offers fulltime study." 34 CFR 106.2(o).

⁸ 34 C.F.R. s. 106.34.

⁹ 34 C.F.R. s. 106.34(b).

¹⁰ 34 C.F.R. s. 106.34(b)(1)(iv).

¹¹ 34 C.F.R. s. 106.34(b)(2).

choosing to offer a single-gender school must provide students of the other gender a substantially equal single-gender school or coeducational school.¹²

The U.S. Department of Education commissioned a review of literature on single-sex education published in 2005. The subsequent report identified a need for professional development for teachers to be equipped to meet the gender specific needs of boys and girls. Teachers were also found to have recognized the need for such training.¹³

State Law: Single-gender classrooms and schools are permitted under Florida law. Participation in single-gender schools, classes, and extracurricular activities must be voluntary. At least every two years, the school district must evaluate each single-gender school, class, and extracurricular activity to ensure compliance with federal regulations.¹⁴

There are 54 single-gender schools in 33 school districts in Florida. A variety of school models employ single-gender classes, e.g., alternative schools, charter schools, virtual schools, and traditional public schools.¹⁵

Effect of Proposed Changes

The bill creates additional requirements for gender-specific schools. Enrollment must be open to all students within the school district, and core courses must be separated into boys-only and girls-only classes. Additionally, administrators and teachers will be required to undergo professional development in scheduling and instructional strategies. School districts must also provide the Florida Department of Education with a comparison of the academic performance of students in gender-specific schools with the academic performance of students in other public schools.

B. SECTION DIRECTORY:

Section 1. Amends s. 1002.311, F.S., relating to single-gender programs.

Section 2. Provides that the bill takes effect upon becoming law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

¹² 34 C.F.R. s. 106.34(c)(1).

¹³ RMC Research Corporation, *Early Implementation of Public Single-Sex Schools: Perceptions and Characteristics* (2008), available at <http://www2.ed.gov/rschstat/eval/other/single-sex/characteristics/characteristics.pdf>.

¹⁴ Section 1002.311, F.S.

¹⁵ Email, Florida Department of Education, Legislative Affairs Director, (Jan. 17, 2014).

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

The law requires each school district to develop a professional development system for school administrators and instructional personnel.¹⁶ Funding for professional development is annually appropriated by the Legislature through the Florida Education Finance Program (FEFP). Each school district has full discretion to determine the professional development needs of the district and how much of its FEFP allocation to spend on professional development.¹⁷ If a school district chooses to establish a single-gender school, there is currently no additional funding consideration included in the House budget for costs associated with rezoning, staffing, teacher professional development, etc.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

On February 4, 2014, the Choice & Innovation Subcommittee adopted a proposed committee substitute (PCS) and reported HB 313 favorably as a committee substitute. The PCS removed bill provisions:

- Proposing a Gender-Specific School pilot project limited to school districts with more than 100,000 K-12 students.
- Requiring the Department of Education (DOE) to approve five pilot districts to establish at least one gender-specific elementary school.
- Requiring DOE to formulate a list of professional development providers.
- Requiring pilot districts to select professional development providers for instructional personnel and school administrators in gender-specific schools from the list.
- Addressing funding for the pilot.
- Requiring the Office of Program Policy Analysis and Government Accountability (OPPAGA) to submit a report to the Governor and presiding officers of each house of the Legislature comparing the performance of students in pilot gender-specific schools with students in other district elementary schools.

¹⁶ Section 1012.98(4)(b), F.S.

¹⁷ Section 1011.62, F.S.; Specific Appropriation 87, s. 2, ch. 2013-40, L.O.F.

Unlike the original bill, the PCS's requirements regarding gender-specific schools are applicable statewide and to all K-12 grade levels. Similar to the original bill, the PCS required that gender specific schools be open to all students in the district, students be separated by gender in core courses, and instructional personnel and school administrators in gender-specific schools participate in professional development. Each district school board operating a gender-specific school must submit a report to DOE comparing student performance in its gender-specific schools with that of students in other district schools.

This bill analysis is drafted to the committee substitute as passed by the Choice & Innovation Subcommittee.

1 A bill to be entitled
2 An act relating to single-gender public school
3 programs; amending s. 1002.311, F.S.; providing
4 requirements for a district school board when
5 establishing a gender-specific elementary, middle, or
6 high school; requiring school administrative and
7 instructional personnel to participate in professional
8 development; providing accountability requirements;
9 providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Subsection (2) of section 1002.311, Florida
14 Statutes, is amended to read:

15 1002.311 Single-gender programs authorized.—

16 (2) A district school board that establishes a single-
17 gender class, extracurricular activity, or school:

18 (a) May not require participation by any student. The
19 district school board must ensure that participation in the
20 single-gender class, extracurricular activity, or school is
21 voluntary.

22 (b) Must evaluate each single-gender class,
23 extracurricular activity, or school in the school district at
24 least once every 2 years in order to ensure that it is in
25 compliance with this section and 34 C.F.R. s. 106.34.

26 (c) Must comply with the following requirements when

27 | establishing a gender-specific elementary, middle, or high
 28 | school:

29 | 1. Separate into grade-level boys-only classes and girls-
 30 | only classes during instruction in core courses.

31 | 2. Open enrollment to all students within the school
 32 | district.

33 | 3. Require the school's administrative and instructional
 34 | personnel to participate in professional development that
 35 | includes scheduling and instructional strategies.

36 | 4. Provide to the department a comparison of the academic
 37 | performance of students in the gender-specific elementary,
 38 | middle, or high school with the academic performance of students
 39 | in other public elementary, middle, or high schools, as
 40 | appropriate, in the school district.

41 | Section 2. This act shall take effect July 1, 2014.



THE
Florida
COLLEGE
SYSTEM

**Florida College System
Council of Presidents
Appropriations Subcommittee
on Education
February 18, 2014**

Guiding Principles

- Use metrics that align with FCS Strategic Plan
- Recognize the uniqueness of each institution regarding its mission, size, and service region
- Reward sustained excellence and continuous improvement
- Award amounts will be meaningful to drive institutional improvements for student success

Key Components

- Funds allocated based on 7 metrics
- Institutions evaluated on excellence **and** improvement for each metric
- Performance funds by college will be determined each year based on performance from the previous year
- Establish 2014-15 as a “pilot” year for performance funding

Measures with Benchmarks



Points	EXCELLENCE (Achieving System Goals)					IMPROVEMENT (Recognizing Annual Improvement)									
	5	4	3	2	1	5	4	3	2	1					
1	Student Transfer Rates (associate degree graduate students transferred within 2 years to a FCS institution or state university)					60.5%	55.5%	50.5%	45.5%	40.5%	5%	4%	3%	2%	1%
2	Student Retention Rates (3-yr average): AA Degree AAS/AS Programs					67.5%	62.5%	57.5%	52.5%	47.5%	5%	4%	3%	2%	1%
3	Completion Rates (Full-Time FTIC cohort – 4yr)					43.5%	38.5%	33.5%	28.5%	23.5%	5%	4%	3%	2%	1%
4	Graduates Employed (within State of Florida in one year)					66.6%	61.6%	56.6%	51.6%	46.6%	5%	4%	3%	2%	1%
5	Average Entry Level Wages (FCS graduate entry level wage versus average entry level wage by service area)					92.4%	87.4%	82.4%	77.4%	72.4%	5%	4%	3%	2%	1%
6	Cost per graduate Cost over 5-year average					95%	100%	105%	110%	115%	5%	4%	3%	2%	1%
7	Time to Degree Completion: With Acceleration Without Acceleration					2.76	2.90	3.04	3.20	3.35	4.36	4.58	4.81	5.05	5.30

\$40 Million New Total Performance Funding Scenario



College	Total Points All (70 points)	Distribution Index Numeric Weight	Weighted Points	Perf. Funding Allocation %
Miami Dade College	50.0	26.1	1305.0	15.6%
Seminole State College of Florida	47.5	8.4	399.0	4.8%
Saint Petersburg College	47.0	12.2	573.4	6.9%
Valencia College	44.5	17.1	761.0	9.1%
Eastern Florida State College	43.5	8.1	352.4	4.2%
Tallahassee Community College	43.5	7.2	313.2	3.7%
Lake-Sumter	42.5	2.5	106.3	1.3%
Broward College	42.0	17.9	751.8	9.0%
North Florida Community College	41.5	1.1	45.7	0.5%
College of Central Florida	41.0	4.4	180.4	2.2%
Pasco-Hernando Community College	39.5	4.1	162.0	1.9%
Pensacola State College	39.5	5.2	205.4	2.5%
Daytona State College	39.0	6.8	265.2	3.2%
Chipola	38.5	1.4	53.9	0.6%
FL State College at Jacksonville	38.5	12.8	492.8	5.9%
SCF, Manatee-Sarasota	38.5	5.3	204.1	2.4%
Saint Johns River State College	38.0	2.6	98.8	1.2%
Edison State College	37.5	7.1	266.3	3.2%
Florida Gateway College	36.5	2.3	84.0	1.0%
Santa Fe College	36.0	6.4	230.4	2.8%
South Florida State College	36.0	2.2	79.2	0.9%
Gulf Coast State College	35.5	1.5	53.3	0.6%
Indian River State College	34.5	6.6	227.7	2.7%
Palm Beach State College	34.5	12.5	431.3	5.2%
Florida Keys Community College	33.5	1.0	33.5	0.4%
Polk State College	33.0	4.5	148.5	1.8%
Northwest Florida State College	30.5	3.6	109.8	1.3%
Hillsborough Community College	30.0	14.2	426.0	5.1%
Totals	1092.0		8359.9	100.0%

*Potential Award	Total Performance Funding	Difference Potential Award & Performance Funding
5,094,129	6,244,094	1,149,965
1,647,159	1,909,114	261,955
2,375,182	2,743,573	368,392
3,337,599	3,640,953	303,354
1,585,859	1,685,905	100,046
1,401,797	1,498,583	96,785
480,962	508,379	27,417
3,491,389	3,597,172	105,783
221,994	218,424	(3,571)
851,539	863,168	11,629
799,499	774,890	(24,609)
1,016,473	982,787	(33,686)
1,323,217	1,268,915	(54,302)
266,873	257,898	(8,975)
2,490,294	2,357,923	(132,371)
1,036,676	976,327	(60,348)
499,144	472,733	(26,412)
1,387,712	1,273,939	(113,773)
440,047	401,679	(38,367)
1,252,588	1,102,406	(150,183)
422,540	378,952	(43,588)
295,892	254,788	(41,104)
1,293,112	1,089,487	(203,625)
2,450,449	2,063,422	(387,027)
195,263	160,289	(34,974)
880,925	710,535	(170,391)
697,434	525,365	(172,069)
2,764,253	2,038,302	(725,951)
40,000,000	40,000,000	0

*Potential award = amount if distributed through funding formula

Model Process

- Maximum of 70 points (10 points per metric)
- College's earn points for each of the measures based on excellence (5 points) and improvement (5 points)
- Potential award amounts are determined by using the distribution index from FCS funding formula
- Points earned are weighted using the numeric value of the distribution index from funding formula
- Funds are distributed using the weighted allocation percentage
- Funds for college's not earning up to the potential award amount are allocated to higher performing colleges



**Florida College System
Council of Presidents**

**Appropriations Subcommittee
on Education**

February 18, 2014



BOARD of GOVERNORS

State University System of Florida

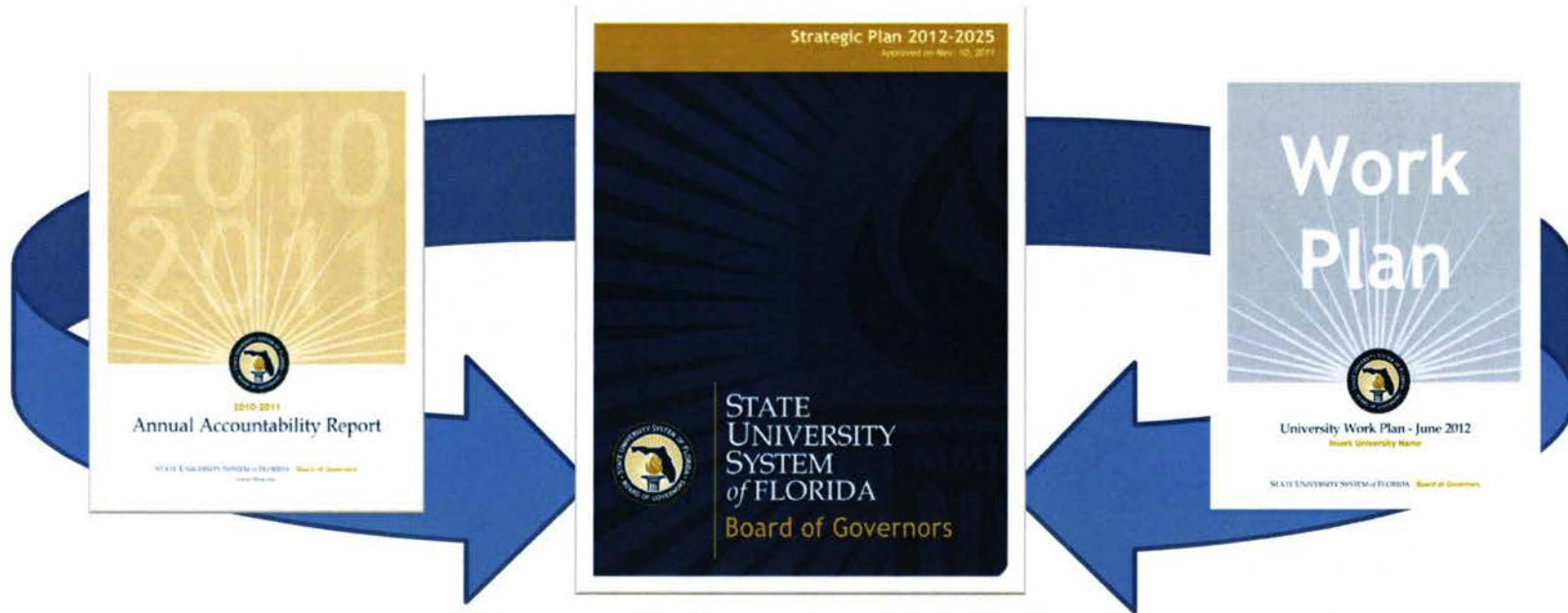
House Education Appropriations Subcommittee

February 18, 2014

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Three-Part Accountability Framework



ANNUAL ACCOUNTABILITY REPORT:
Tracks performance on key metrics (past five years)

SYSTEM-WIDE STRATEGIC PLAN:
Provides a long-range roadmap for the System

UNIVERSITY WORK PLAN:
Provides a short-term plan of action (next three years)



Board of Governors Performance Funding Model for 2014-15

4 Guiding Principles:

- Use metrics that align with Strategic Plan goals
- Reward excellence or improvement
- Have a few clear, simple metrics
- Acknowledge the unique mission of the different institutions

Key Components:

- Funds allocated based on 10 metrics
- One metric chosen by the Board of Governors and one by the Board of Trustees
- Institutions evaluated on the excellence or improvement for each metric
- Data based on one year



Performance Funding Model - Metrics

Points	EXCELLENCE (Achieving System Goals)					IMPROVEMENT (Recognizing Annual Improvement)									
	5	4	3	2	1	5	4	3	2	1					
1	Percent of Bachelor's Graduates Employed and/or Continuing their Education Further 1 Yr after Graduation					75%	70%	65%	60%	55%	5%	4%	3%	2%	1%
2	Median Average Full-time Wages of Undergraduates Employed in Florida 1 Yr after Graduation					\$40,000	\$35,000	\$30,000	\$25,000	\$20,000	5%	4%	3%	2%	1%
3	Average Cost per Undergraduate Degree to the Institution					\$20,000	\$22,500	\$25,000	\$27,500	\$30,000	5%	4%	3%	2%	1%
4	Six Year Graduation Rate <i>Full-time and Part-time FTIC</i>					70%	67.5%	65%	62.5%	60%	5%	4%	3%	2%	1%
5	Academic Progress Rate 2nd Year Retention with GPA Above 2.0					90%	87.5%	85%	82.5%	80%	5%	4%	3%	2%	1%
6	Bachelor's Degrees Awarded in Areas of Strategic Emphasis (includes STEM)					50%	45%	40%	35%	30%	5%	4%	3%	2%	1%
7	University Access Rate Percent of Undergraduates with a Pell-grant					30%	27.5%	25%	22.5%	20%	5%	4%	3%	2%	1%
8	Graduate Degrees Awarded in Areas of Strategic Emphasis (includes STEM)					50%	45%	40%	35%	30%	5%	4%	3%	2%	1%
Institution-Specific Metrics															
9	Board of Governors choice					Varies by metric					Varies by metric				
10	Board of Trustees choice					Varies by metric					Varies by metric				



Performance Funding Model – Basic Operation

New Appropriated Funds:

- Maximum of 50 points (5 points per metric)
- Must have 26 points or more to be eligible for new funds
- A university with 25 points or less, or the three lowest scoring universities are not eligible for new funds
- Eligible universities receive new funds allocated proportionally to their recurring state base budget
- If any additional funds remain, they are awarded to the highest scoring eligible universities based on points earned



Performance Funding Model – Basic Operation

Base Recurring Funds:

- A proportional amount, equal to the amount of new appropriated funds, would come from each university's recurring state base budget
- For the first year a university would only have 1% at risk
- A university with 26 points or more would have base funding restored
- A university with 25 points or less would have all but 1% of the base funding restored
- These funds would be allocated proportionally to the universities with more than 25 points
- If any additional funds remain, they are awarded to the highest scoring eligible universities based on points earned



Performance Funding Model Example

Metrics	Data	Points
1. Percent of Bachelor's Graduates Employed and/or Continuing their Education Further 1 Yr after Graduation	60%	2
2. Median Average Wages of Undergraduates Employed in Florida 1 Yr after Graduation	\$25,000	2
3. Average Cost per Undergraduate Degree to the Institution	\$27,500	2
4. Six Year Graduation Rates (Full-time and Part-time FTIC)	62.5%	2
5. Academic Progress Rate (2nd Year Retention with GPA above 2.0)	82.5%	2
6. Bachelor's Degrees Awarded in Areas of Strategic Emphasis (includes STEM)	35%	2
7. University Access Rate (Percent of Undergraduates with a Pell Grant)	30%	5
8. Graduate Degrees Awarded in Areas of Strategic Emphasis (includes STEM)	35%	2
9. Percent of Bachelor Degrees without Excess Hours	65%	2
10. Board of Trustees Choice		5
	Total	26



Performance Funding Model Allocation Summary

Summary of Performance Funding Allocations

Combined allocation (new funding and base funding)

	Points	\$50 M Allocation of New Funds		Net Increase or Decrease in Base Funds		Total New Funds and Change in Base Funds
FAMU	27	\$2,770,840		\$124,303	0.13%	\$2,895,143
FAU	24			(\$1,394,740)	-1.00%	(\$1,394,740)
FGCU	28	\$1,648,922		\$73,972	0.13%	\$1,722,895
FIU	34	\$6,956,234		\$312,064	0.16%	\$7,268,298
FSU	33	\$8,213,467		\$368,465	0.13%	\$8,581,932
FPU	Will be included once data becomes available					
NCF	25			(\$172,720)	-1.00%	(\$172,720)
UCF	34	\$8,378,896		\$375,887	0.16%	\$8,754,782
UF	42	\$11,226,558		\$503,636	0.15%	\$11,730,194
UNF	28	\$2,255,245		\$101,173	0.13%	\$2,356,418
USF	37	\$8,549,837		\$383,555	0.16%	\$8,933,392
UWF	21			(\$675,595)	-1.00%	(\$675,595)
TOTAL		\$50,000,000		\$0		\$50,000,000

*Institutions earning 25 points or less out of 50 points possible do not receive any new funds and lose one percent of their base funds.



Performance Funding Model Allocation – New Funding

Summary of Performance Based Funding Allocations

Detail on allocation of \$50 million in new funding

	A	B	C	D	E	F	G
	Points	2013-14 Base Funding	Univ. Base % of Total	Allocation of New Funds	Additional Allocation to Top 4	Total New Funds	Total Univ. % of New Funds
FAMU	27	\$96,369,270	5.54%	\$2,770,840	\$0	\$2,770,840	5.54%
FAU	24	\$139,474,033	8.02%	\$0	\$0	\$0	0.00%
FGCU	28	\$57,349,182	3.30%	\$1,648,922	\$0	\$1,648,922	3.30%
FIU	34	\$190,056,208	10.93%	\$5,464,558	\$1,491,676	\$6,956,234	13.91%
FSU	33	\$285,662,720	16.43%	\$8,213,467	\$0	\$8,213,467	16.43%
FPU	Will be included once data becomes available						
NCF	25	\$17,272,015	0.99%	\$0	\$0	\$0	0.00%
UCF	34	\$239,536,110	13.77%	\$6,887,220	\$1,491,676	\$8,378,896	16.76%
UF	42	\$326,370,128	18.77%	\$9,383,900	\$1,842,659	\$11,226,558	22.45%
UNF	28	\$78,436,970	4.51%	\$2,255,245	\$0	\$2,255,245	4.51%
USF	37	\$240,903,753	13.85%	\$6,926,543	\$1,623,295	\$8,549,837	17.10%
UWF	21	\$67,559,501	3.88%	\$0	\$0	\$0	0.00%
TOTAL		\$1,738,989,890	100.00%	\$43,550,694	\$6,449,306	\$50,000,000	100.00%



Performance Funding Model Allocation – Base Funding

Summary of Performance Based Funding Allocations

Detail on allocation of \$50 million in base funding

	A	B	C	D		E
	Base Funds to be Allocated	Points	Allocation of Base Funds	Allocation of Remaining Funds		Total Allocation
FAMU	(\$2,770,840)	27	\$2,770,840	\$124,303	5.54%	\$2,895,143
FAU	(\$4,010,203)	24	\$2,615,462	\$0	0.00%	\$2,615,462
FGCU	(\$1,648,922)	28	\$1,648,922	\$73,972	3.30%	\$1,722,895
FIU	(\$5,464,558)	34	\$5,464,558	\$312,064	13.91%	\$5,776,622
FSU	(\$8,213,467)	33	\$8,213,467	\$368,465	16.43%	\$8,581,932
FPU	Will be included once data becomes available					
NCF	(\$496,611)	25	\$323,890	\$0	0.00%	\$323,890
UCF	(\$6,887,220)	34	\$6,887,220	\$375,887	16.76%	\$7,263,106
UF	(\$9,383,900)	42	\$9,383,900	\$503,636	22.45%	\$9,887,535
UNF	(\$2,255,245)	28	\$2,255,245	\$101,173	4.51%	\$2,356,418
USF	(\$6,926,543)	37	\$6,926,543	\$383,555	17.10%	\$7,310,098
UWF	(\$1,942,493)	21	\$1,266,898	\$0	0.00%	\$1,266,898
TOTAL	(\$50,000,000)		\$47,756,945	\$2,243,055	100.00%	\$50,000,000



BOARD of GOVERNORS
State University System of Florida

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Technical Centers

House Education Appropriations Subcommittee

Mark Baird, Ph.D.
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OPPAGA

February 18, 2014

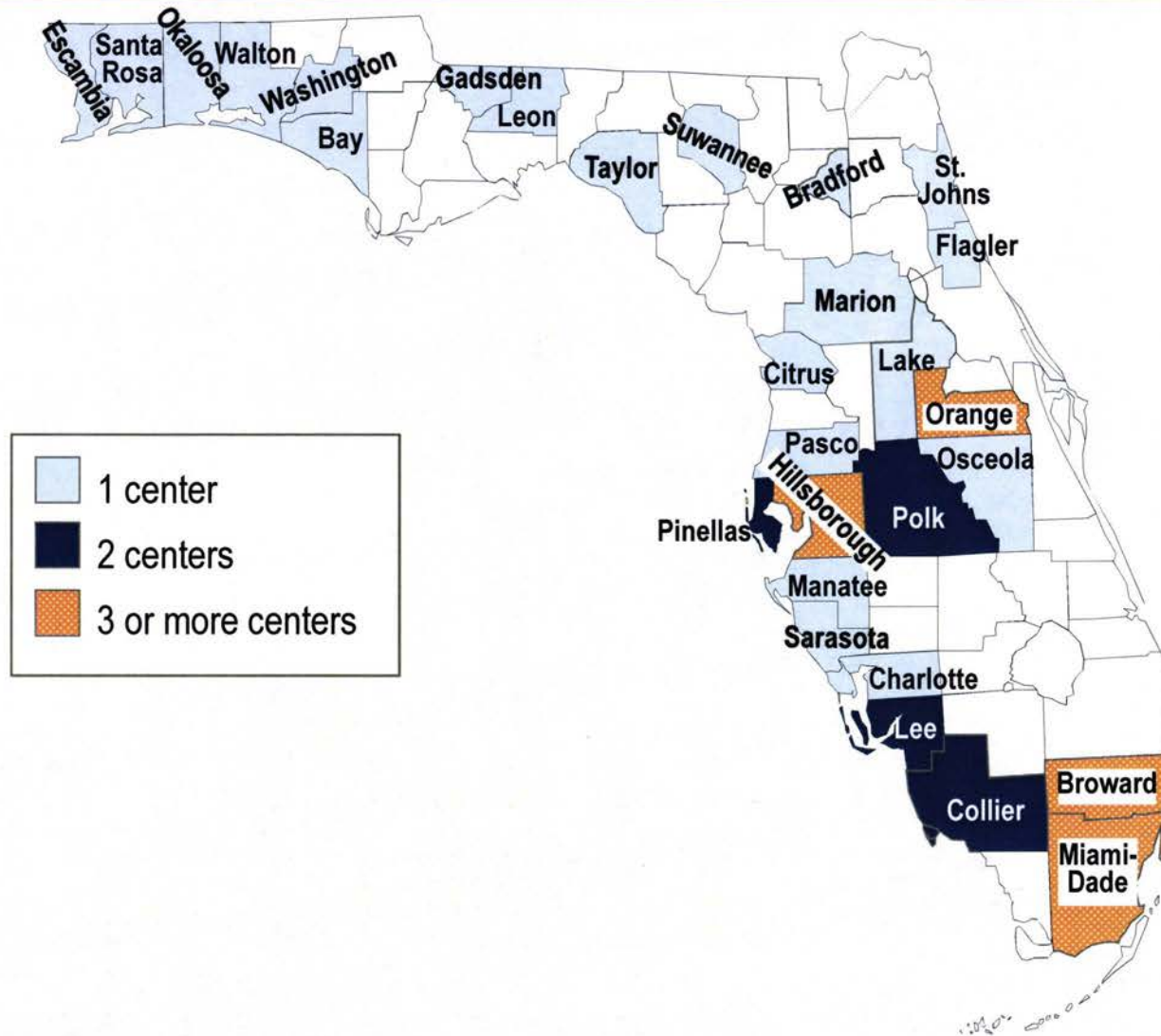
Project Scope

What are Florida's technical centers and whom do they serve?

How do they report data to the state?

What are Technical Centers and Whom Do They Serve?

Florida Districts with Technical Centers



School Districts Administer Florida's Technical Centers

- ❖ Two technical centers are charters
 - ▶ Lake Technical Center
 - ▶ First Coast Technical College
- ❖ All accredited by the Council on Occupational Education (COE)
 - ▶ Leads to Department of Education recognition as a technical center

Technical Centers Offer Several Types of Programs

- Postsecondary Career and Technical Education (CTE)
- Adult Education
- Secondary CTE
- Career dual enrollment and early admission
- Continuing workforce education (non-state funded)

Postsecondary CTE Comprises Three Different Types of Programs

1

Career Certificate

2

Applied Technology Diploma

3

Apprenticeship

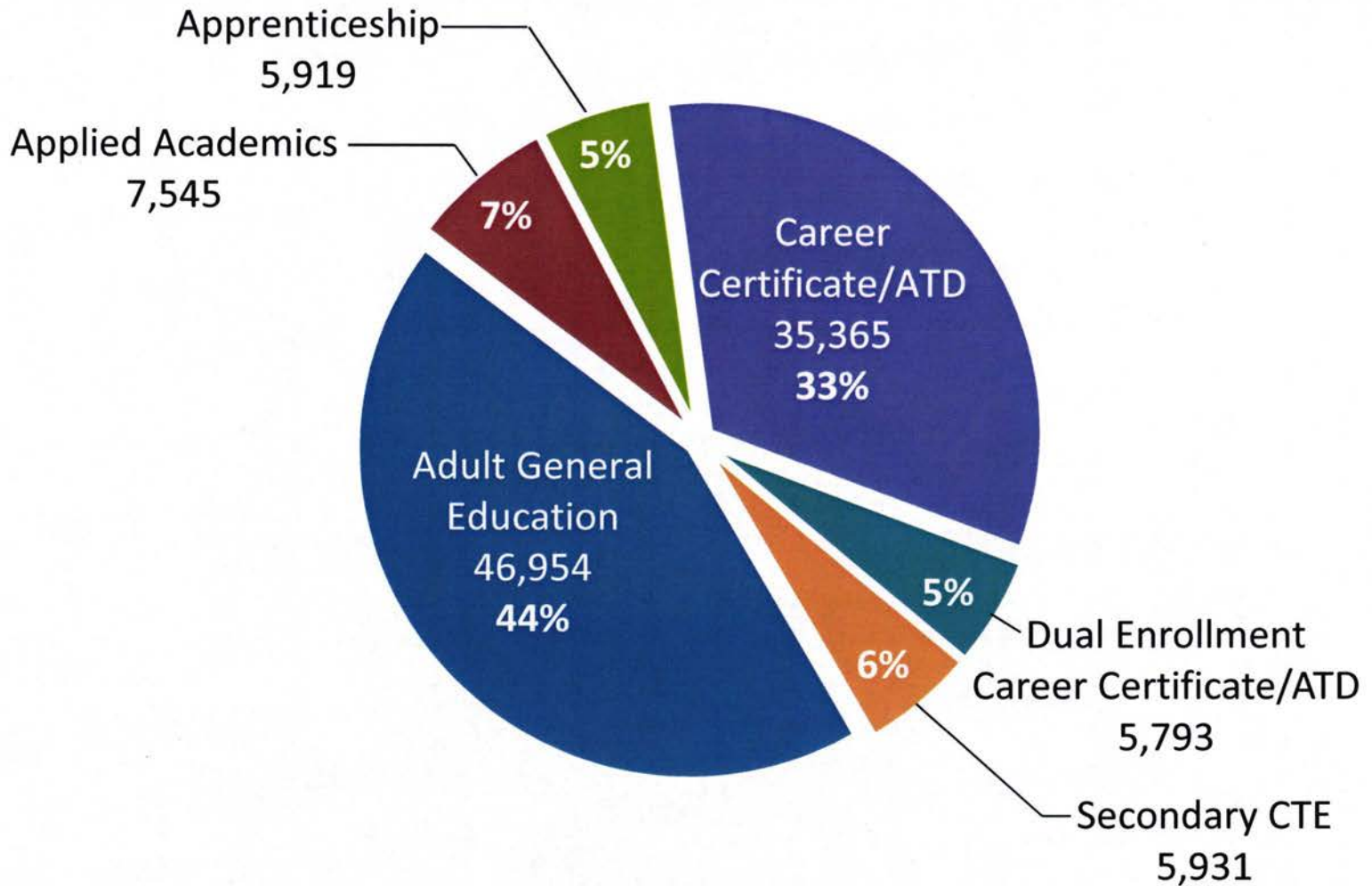
Florida's Technical Centers Offer Certificates, Not Degrees

- Technical centers
 - ❖ Offer certificate and diploma programs
 - ▶ Curriculum tied to specific occupations
 - ▶ Non-credit
 - ▶ Clock-hour
 - ▶ Competency-based
 - ❖ Do not offer college-credit courses or degree programs

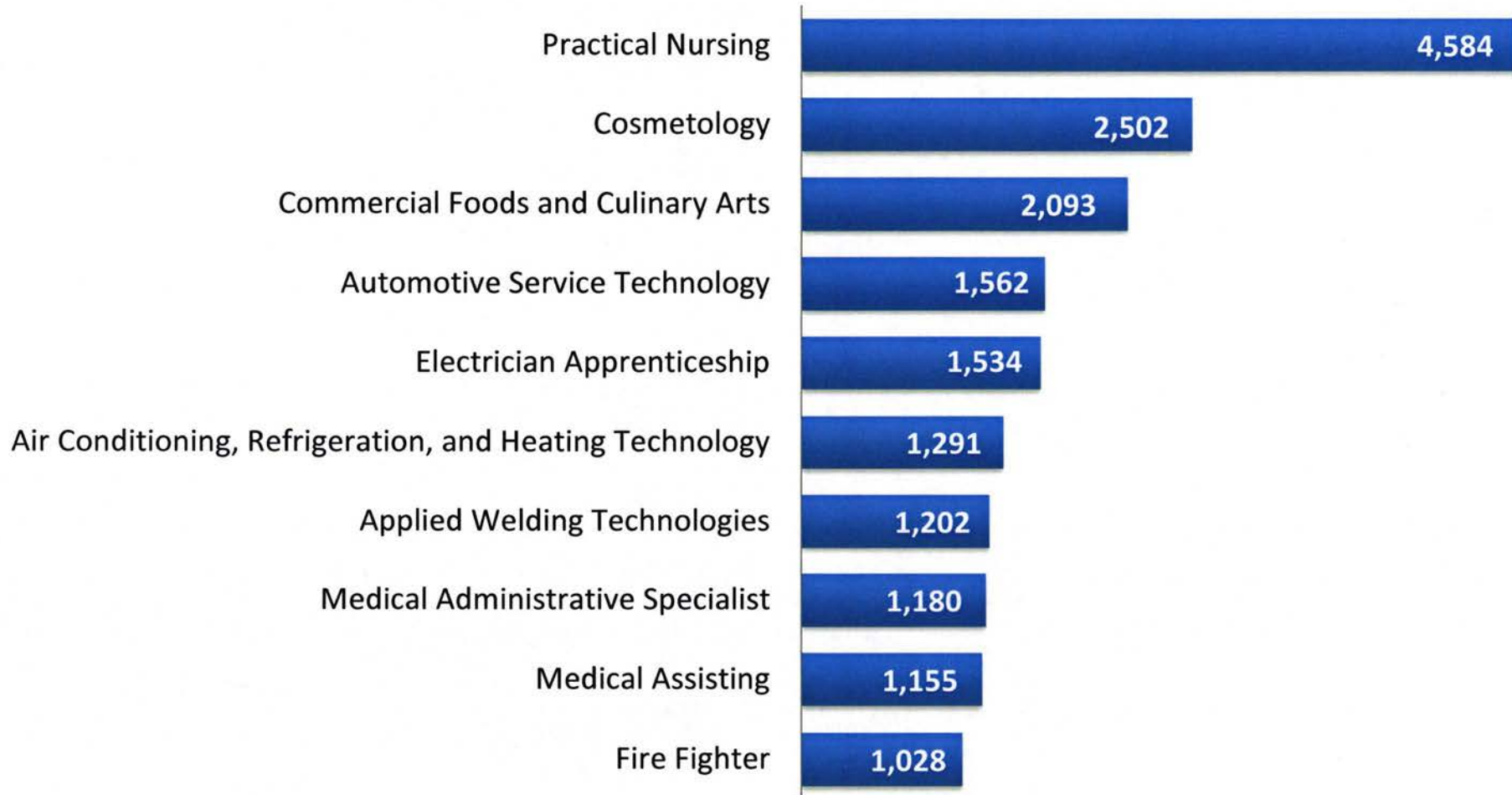
High School Diploma Not Required for Certificate and Apprenticeship Programs

- Entry into Career Certificate and Apprenticeship programs does not require a high school diploma
- Technology Diploma and some Career Certificate programs articulate as college credit to Associate of Science programs
- Articulation with college credit requires students to have a high school diploma

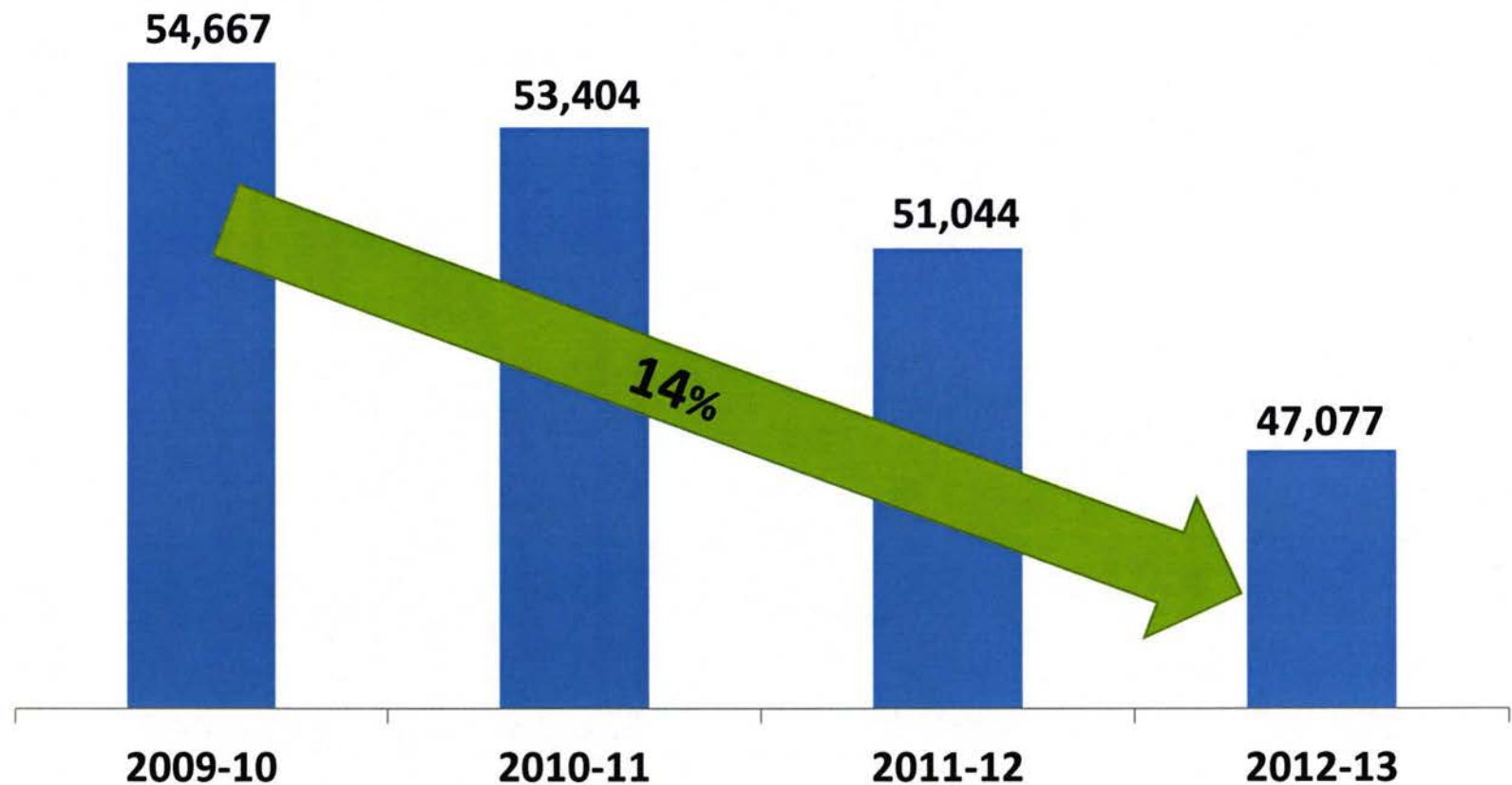
Postsecondary Career Certificate/ATD Programs Represented 33% of Technical Center Enrollment in 2012-13



Top Ten Career/Technical Programs in 2012-13 by Technical Center Enrollment



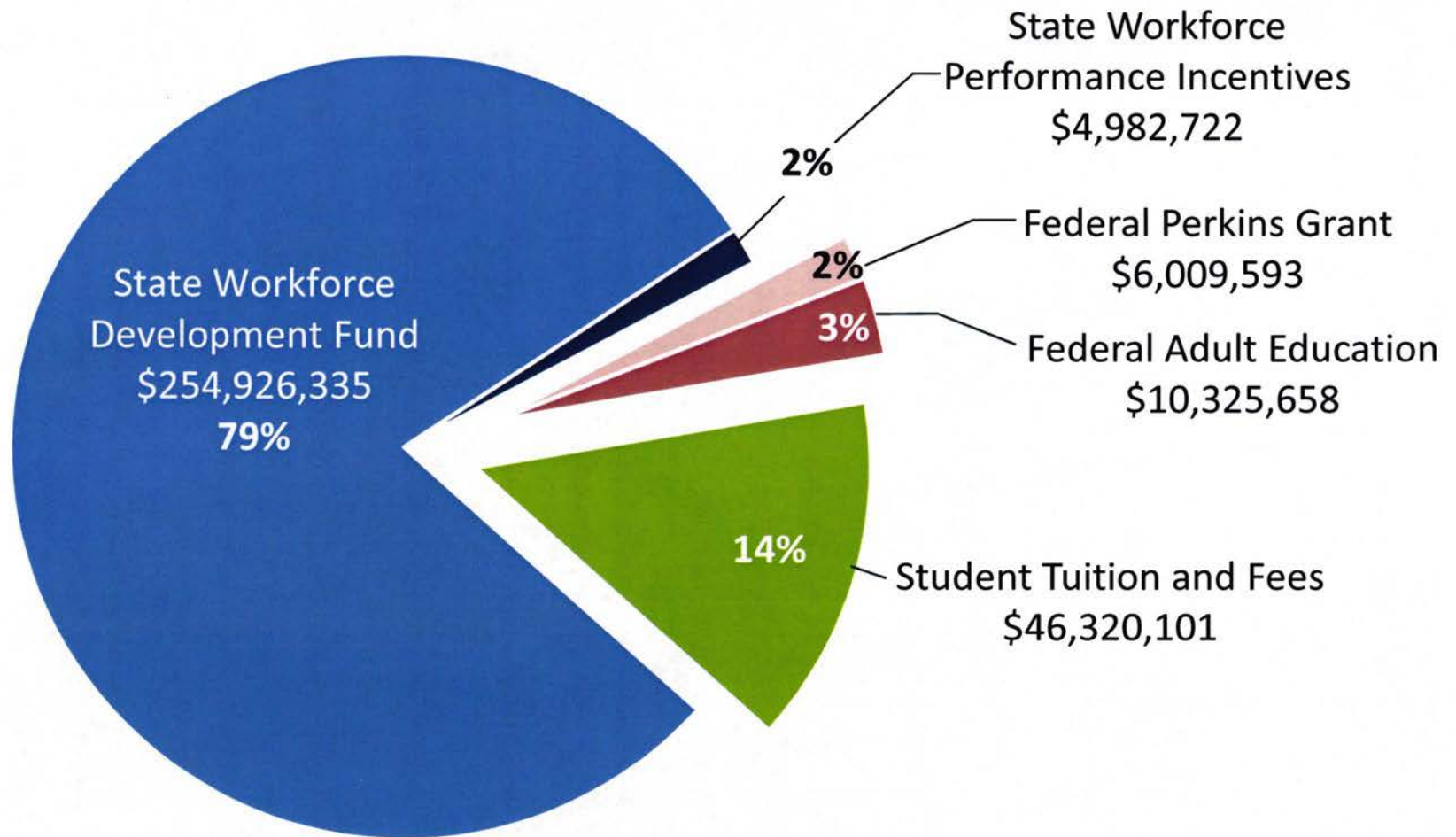
Career/Technical Program Enrollment in Technical Centers Has Dropped 14% Since 2009-10



Adult Education and Career/Technical Students Have Different Characteristics

Category	Career/Technical Education	Adult General Education
Average Age	30	31
Female	43%	55%
Black	26%	33%
Hispanic	25%	43%
White	46%	22%
Documented Disability	6%	7%

In 2012-13, State Funds Represented 81% of Technical Center Funding*

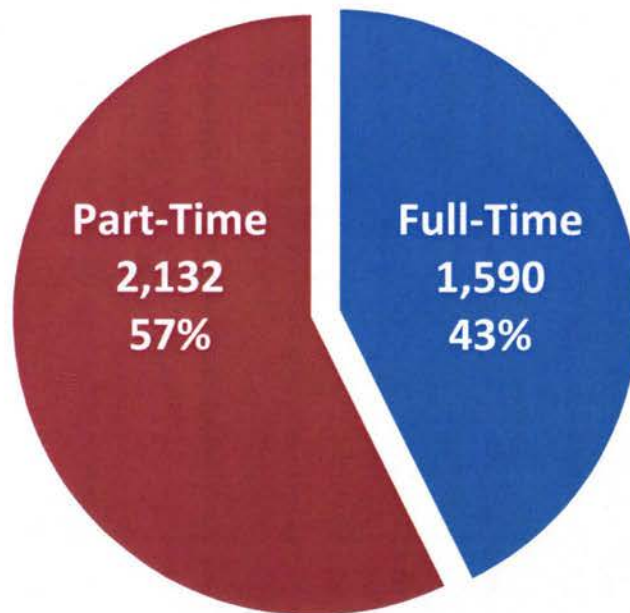


*Estimate based on proration using 2011-12 expenditure data and/or 2012-13 enrollment data.

School Districts Support Technical Center Facilities and Operations

- School districts provide personnel support such as payroll, taxes and benefits, background checks, credential review, and handling of grievances
- For over half of the centers, school districts provide all data services
 - A few of those with their own data services also rely on the district data systems for some additional functions
- Most centers rely on school district capital outlay funds (district property tax revenue, voter-approved bond issues, or voter-approved sales tax) for funding capital construction

Most Technical Center Instructional Staff are Part-Time



- Instructors must have
 - Degree in field or
 - Six years of relevant work experience (Section 1012.39, *F.S.*)

Florida Technical Centers Partner with Businesses and Civic Organizations

- Required by accreditor (COE) to maintain advisory committees for each program that include external members
- 89% of technical centers surveyed receive financial (mostly in-kind) support
- 85% receive scholarship funds
- 100% receive help placing students in jobs

Technical Centers Use a Variety of Sources to Make Decisions on Program Offerings

- Use Demand Occupations List
- Get input from program advisory committees
- Listen to local business and industry contacts
- In some cases, the center director has authority to decide on program offerings
 - In others, Superintendent or Board approval required

Data Reporting

Technical Centers Report Student-Level Data to the Department of Education

- Student-level data files are submitted to the Workforce Development Information System
 - Final enrollment data based on three survey periods—summer, fall, and spring
- Data used for
 - State and federal funding allocations
 - Performance funding
 - Accountability reports

Unique Requirements and System Variation Impose Challenges to Data Reporting

- Technical center data requirements differ from K-12
- There are many different data system arrangements across districts
 - System development
 - ▶ External vendors
 - ▶ Homegrown systems
 - ▶ Hybrids
 - Centralized versus decentralized control

Contact Information

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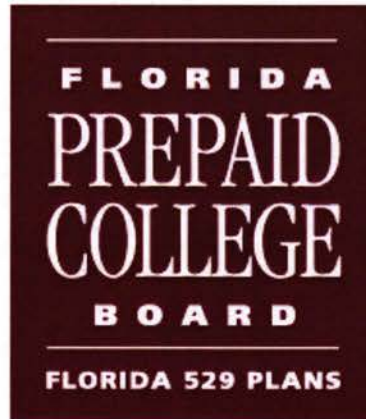
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Stanley G. Tate Florida Prepaid College Tuition Program Payment Cap

House Education Appropriations Subcommittee
February 18, 2014



Florida Prepaid College Board Overview

- The Florida Prepaid College Board was established in 1987.
- The Board is an agency of Florida government and has seven members:
 - Three members appointed by the Governor
 - The Attorney General, or its designee
 - The Chief Financial Officer, or its designee
 - The Chancellor of the Board of Governors
 - The Chancellor of the Division of Florida Colleges
- Mission is to help families save for the cost of college:
 - Prepaid College Plan
 - 529 Savings Plan
 - Florida Prepaid College Foundation



Florida Prepaid College Board Overview (cont.)

- **Prepaid College Plan**

- Largest and longest continuous running prepaid plan in the nation.
- Over 1.5 million plans sold. \$10 billion market value.
- Financially sound.

- **Florida 529 Savings Plan**

- Choose from a variety of investment options and save at your own pace.
- Over 37,000 participants. \$348 million market value.

- **Florida Prepaid College Foundation**

- Non-profit, direct support organization of the Board.
- Stanley Tate Project STARS program provides scholarships and mentoring thru public/private partnerships to low income kids who are at risk of dropping out of school. Over 25,000 scholarships awarded.



Saving is Important

- **Student Debt**

- Since 1985 the cost of college has increased 538% – more than twice as fast as medical costs (262%) or gasoline (200%).
- Student loans are now the #2 source of debt in America, behind only mortgages.

- **Jobs**

- Today, individuals with a bachelor's degree earn an average of \$22,000 a year more than those with only a high school diploma.
- In 2012, the unemployment rate for bachelor's degree holders was 4.5%. For those with only a high school diploma, it was 8.3%.

- **Peace of Mind**

- Knowing that your child will have something set aside can help you avoid the stress that others experience when high school graduation is imminent and they find themselves unprepared.



Prepaid Data

- College Costs

- In five out of the last six years, there have been double digit increases in the sum of tuition and the tuition differential fee in Florida.

- Plan Prices

- In 2007, the price of 4-Year Florida University plans for a newborn was \$14,616. Today the price is \$53,729 – an increase of 267%.

- Sales

- Prepaid Plan sales have fallen from about 40,000 per year to less than 20,000 – more than 50% drop.

Prepaid Payments to Universities

- Contracts purchased prior to July 1, 2009 - Per statute, the Board calculates an assessment of the amount to be paid:
 - Registration fees and the tuition differential fee increase 5.5% to 7% per annum above the assessments for the preceding fiscal year based on the Board's actuarial reserve level.

Board Actuarial Reserve Balance Compared to Liabilities	Amount of Assessment Above Prior Year Assessment
< 5%	5.5%
Between 5% and 6%	6.0%
6% to 7.5%	6.5%
=>7.5%	7.0%

- Local fees and dormitory fees increase 5% and 6% per annum, respectively above the assessment for the preceding fiscal year.
- Contracts purchased on July 1, 2009 and thereafter – The Board pays the market rate.

Prepaid Legislative Proposal

- Extends the payment provision applicable to contracts purchased before July 1, 2009 to contracts written before July 1, 2024 and establishes a maximum payment cap, as follows:
 - For registration fees, tuition differential, and local fees, the amount paid to the universities is the lesser of the total combined assessment for these fees or the actual combined amount charged for these fees.

	% Inc.	Combined Amount Charged	% Inc.	Combined Assessment	Amount Paid
Start		\$ 200		\$ 200	\$ 200
FY 2015	2.0%	\$ 204	7.0%	\$ 214	\$ 204
FY 2016	10.0%	\$ 224	7.0%	\$ 229	\$ 224

Note: The chart above is for illustrative purposes only.

- For dormitory fees, the amount paid to the universities is the lesser of the assessment or the actual amount charged.



Financial Impact of Proposal

- Plan Participants

- Lower Lump-Sum Prices: The lump sum price to enroll a newborn in the 4-Year Florida University Plan is estimated to drop from \$53,729 to less than \$43,000 – a savings of more than \$10,000.
- Lower Monthly Payments: Future monthly payments would be reduced for those purchasers paying on a monthly basis. For example, a Florida family enrolling a newborn during 2012-13 in a 4-Year Florida University Plan is currently paying \$332 per month under the monthly until matriculation payment option. These monthly payments are estimated to drop to \$255 per payment – a savings of over \$75 per month for 223 months.
- Refunds: Over 26,000 Florida families who purchased plans at higher prices in recent years would have available refunds of approximately \$50 million.



Financial Impact of Proposal (cont.)

- Universities

- Based on a historical analysis applying the proposed legislation over more than 20 years, the Board does not anticipate a fiscal impact to state universities. However, universities could see a decrease in revenues as a result of this proposal if actual amounts charged exceed the cumulative assessment provision.



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